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Paper No. 4

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In re Application of
Ken Wilson
Serial No.: 09/309,367
Filed : May 11, 1999
For : METAL SPORTS BOARD

:
: **PETITION TO MAKE**
: **SPECIAL**
: **(INFRINGEMENT)**
: **MPEP 708.02**
:

Application number 09/309,367 was filed May 11, 1999. A Petition to make the Application Special, based on Actual Infringement, was filed on May 11, 1999.


MPEP 708.02 states that a Petition to Make Special, based on Infringement, must have the following:

1) appropriate petition fee under 37 CFR 1.17(I); 2) a statement by the Assignee, applicant, or attorney alleging: A) that there is an infringing device or product actually on the market; B) that a rigid comparison of the alleged infringing device or product with the claims of the application has been made, and that, in his opinion, some of the claims are unquestionably infringed; and C) that he has made a careful and thorough search of the prior art, and has good knowledge of the prior art, and has sent a copy of the references deemed most closely related to the subject matter encompassed by the claims.

Since the Petition filed May 11, 1999 properly includes all of the requirements above., the petition is **GRANTED**.

The examiner is directed (1) to make an interference search for possible interfering applications. (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt *bona fide* effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.



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